

**THE MONITORING OF WEAPONS DEVELOPMENT
IN IRAQ, AS REQUIRED BY U.N. SECURITY
COUNCIL RESOLUTION 687 (APRIL 3, 1991);
AND REAFFIRMING THE SPECIAL
RELATIONSHIP BETWEEN THE U.S. AND
THE REPUBLIC OF THE PHILIPPINES**

MARKUP
BEFORE THE
**COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES**
ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

H. J. Res. 75 and H. Con. Res. 273

DECEMBER 12, 2001

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THE MONITORING OF WEAPONS DEVELOPMENT IN IRAQ, AS REQUIRED BY U.N. SECURITY COUNCIL RESOLUTION 687 (APRIL 3, 1991); AND REAFFIRMING THE SPECIAL RELATIONSHIP BETWEEN THE U.S. AND THE REPUBLIC OF THE PHILIPPINES

WEDNESDAY, DECEMBER 12, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 2:10 p.m. in Room 2167, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

Pursuant to notice, I now call up H. J. Res 75 regarding the monitoring of weapons development in Iraq as required by United Nations Security Council Security Resolution 687 for purpose of mark-up.

Without objection, the resolution will be considered as read and open for amendment at any point.

[The joint resolution, H. J. Res. 75, follows:]

107TH CONGRESS
1ST SESSION

H. J. RES. 75

Regarding the monitoring of weapons development in Iraq, as required by
United Nations Security Council Resolution 687 (April 3, 1991).

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2001

Mr. GRAHAM (for himself, Mr. GOSS, and Mr. HYDE) introduced the following
joint resolution; which was referred to the Committee on International
Relations

JOINT RESOLUTION

Regarding the monitoring of weapons development in Iraq,
as required by United Nations Security Council Resolu-
tion 687 (April 3, 1991).

Whereas Iraq engaged the Islamic Republic of Iran, a nation
of more than 55,000,000 Muslims, in a 10-year war, dur-
ing which Saddam Hussein used chemical weapons
against his own people;

Whereas on August 2, 1990, Iraq without provocation in-
vaded the State of Kuwait, a nation of more than
1,500,000 Muslims;

Whereas on January 17, 1991, Iraq without provocation fired
7 Scud missiles into the State of Israel;

Whereas on January 17, 1991, Iraq fired Scud missiles into the Kingdom of Saudi Arabia, a nation of more than 20,000,000 Muslims;

Whereas on January 29, 1991, Iraq attacked the city of Khafji in the Kingdom of Saudi Arabia;

Whereas Iraq is a threat to its neighbors and has shown a willingness to use weapons of mass destruction;

Whereas on February 24, 1991, an international coalition of nations, including the United States, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Saudi Arabia, and the Syrian Arab Republic, began an allied ground assault against Iraq;

Whereas on March 3, 1991, a cease-fire was negotiated under United Nations Security Council Resolution 687 (April 3, 1991) in Safwan, Iraq;

Whereas on April 6, 1991, Iraq accepted the terms of the Safwan Accords, including the provisions of Security Council Resolution 687;

Whereas Security Council Resolution 687 requires Iraq to agree to the removal or dismantling of its weapons of mass destruction and to end its programs to develop such weapons, restricts imports into Iraq until the United Nations Security Council is satisfied that Iraq is free of weapons of mass destruction, and calls for the creation of a United Nations special commission to monitor weapons activities in Iraq;

Whereas on October 31, 1998, Iraq banned almost all United Nations inspectors despite its agreement to comply with Security Council Resolution 687;

4

3

Whereas on December 15, 1998, the chief United Nations weapons inspector reported that Iraq was withholding cooperation;

Whereas Security Council Resolution 687 was adopted under chapter VII of the United Nations Charter and therefore can be enforced through military action;

Whereas substantial evidence indicates that Iraq may have been heavily involved since 1998 in the development of chemical, biological, and nuclear weapons, and their delivery systems;

Whereas such development is a threat to the United States and its allies in the Middle East;

Whereas the attacks of September 11, 2001, illustrate the global reach of terrorists;

Whereas United States intelligence agencies have reported that a high risk exists that numerous terrorist groups are seeking weapons of mass destruction;

Whereas Iraq is a sponsor of terrorism and has trained members of several terrorist organizations;

Whereas the President has stated that “any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime” and has committed to “pursue nations that provide aid or safe haven to terrorism”; and

Whereas United States intelligence agencies have reported that a high risk exists that Iraq has continued to develop weapons of mass destruction since the expulsion of the United Nations inspectors, in violation of Security Council Resolution 687: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That—

4 (1) the President and the United Nations
5 should insist on monitoring weapons development in
6 Iraq, as required by United Nations Security Coun-
7 cil Resolution 687 (April 3, 1991);

8 (2) Iraq should allow United Nations weapons
9 inspectors into Iraq, as required by Security Council
10 Resolution 687;

11 (3) Iraq remains in material and unacceptable
12 breach of its international obligations; and

13 (4) the refusal by Iraq to admit United Nations
14 weapons inspectors into any facility covered by the
15 provisions of Security Council Resolution 687 should
16 be considered an act of aggression against the
17 United States and its allies.

○

Chairman HYDE. The Chair has an amendment in the nature of a substitute at the desk which he offers on behalf of himself and Mr. Lantos. The clerk will report the amendment.

Ms. BLOOMER. Amendment in the nature of a substitute offered by Mr. Hyde and Mr. Lantos.

Chairman HYDE. Without objection, further reading of the amendment in the nature of a substitute will be dispensed with, and the Chair yields himself 5 minutes for purposes of a statement.

[The information referred to follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.J. RES. 75
OFFERED BY MR. HYDE AND MR. LANTOS**

Strike all after the resolving clause and insert the following:

1 That—

2 (1) the United States and the United Nations
3 Security Council should insist on a complete pro-
4 gram of inspection and monitoring of the develop-
5 ment of weapons of mass destruction in Iraq, in
6 strict compliance with United Nations Security
7 Council Resolutions 687 (April 3, 1991), 707 (Au-
8 gust 15, 1991), and 715 (October 11, 1991);

9 (2) Iraq should allow United Nations weapons
10 inspectors “immediate, unconditional and unre-
11 stricted access to any and all areas, facilities, equip-
12 ment, records and means of transportation which
13 they wish to inspect”, as required by United Nations
14 Security Council Resolution 707;

15 (3) the United States should ensure that the
16 United Nations does not accept any monitoring re-
17 gime that fails to guarantee weapons inspectors im-
18 mediate, unconditional, and unrestricted access to

1 any and all areas, facilities, equipment, records, and
2 means of transportation which they wish to inspect;

3 (4) Iraq, as a result of its refusal to comply
4 with the terms of United Nations Security Council
5 Resolution 687 and subsequent relevant resolutions,
6 remains in material and unacceptable breach of its
7 international obligations; and

8 (5) Iraq's refusal to allow United Nations weap-
9 ons inspectors immediate, unconditional, and unre-
10 stricted access to facilities and documents covered by
11 United Nations Security Council Resolutions 687
12 and 707 and other relevant resolutions presents a
13 mounting threat to the United States, its allies, and
14 international peace and security.

Strike the preamble and insert the following:

Whereas Iraq engaged the Islamic Republic of Iran, a nation
of more than 55,000,000 Muslims, in a 10-year war, dur-
ing which Saddam Hussein used chemical weapons
against Iran and his own people;

Whereas Saddam Hussein has pursued a policy of ethnic
cleansing against the Kurdish people, killing 5,000 Kurd-
ish civilians with a chemical attack on March 16, 1988,
and an estimated 50,000 to 182,000 in the forced reloca-
tion of Kurdish civilians in 1988;

Whereas on August 2, 1990, Iraq without provocation in-
vaded the State of Kuwait, a nation of more than
1,500,000 Muslims;

Whereas on November 28, 1990, the United Nations Security Council adopted United Nations Security Council Resolution 678, which authorized nations cooperating with the State of Kuwait to use all necessary means to force Iraq to withdraw from Kuwait and to restore international peace and security to the area;

Whereas on January 17, 1991, Iraq without provocation fired 7 Scud missiles into the State of Israel, a nation of approximately 1,000,000 Muslims and 5,000,000 Jews;

Whereas on January 17, 1991, Iraq fired Scud missiles into the Kingdom of Saudi Arabia, a nation of more than 20,000,000 Muslims;

Whereas on January 29, 1991, Iraq attacked the city of Khafji in the Kingdom of Saudi Arabia;

Whereas Iraq is a threat to its neighbors and has demonstrated its willingness to use weapons of mass destruction;

Whereas on February 24, 1991, a broad international coalition of 38 Muslim and non-Muslim nations, including the United States, the United Kingdom of Great Britain and Northern Ireland, the State of Kuwait, the Arab Republic of Egypt, the Kingdom of Saudi Arabia, and the Syrian Arab Republic, began an allied ground operation to liberate Kuwait;

Whereas on March 3, 1991, a cease-fire was negotiated under United Nations Security Council Resolution 687 (April 3, 1991) in Safwan, Iraq;

Whereas on April 6, 1991, Iraq accepted the terms of the Safwan Accords, including the provisions of Security Council Resolution 687;

Whereas, in accordance with Security Council Resolution 687, Iraq was to have yielded to United Nations inspectors for purposes of destruction, removal, or rendering harmless “all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto”;

Whereas, in accordance with Security Council Resolution 687, Iraq was to have destroyed all of its ballistic missiles with a range greater than 150 kilometers, as well as related major parts and repair and production facilities;

Whereas, in accordance with Security Council Resolution 687, Iraq was to have agreed not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities;

Whereas Security Council Resolution 687 calls for the creation of a United Nations special commission to “carry out immediate on-site inspection of Iraq’s biological, chemical, and missile capabilities” and to assist and cooperate with the International Atomic Energy Agency in carrying out the “destruction, removal or rendering harmless” of all nuclear-related items and in developing a plan for the ongoing monitoring and verification of Iraq’s compliance;

Whereas, in accordance with Security Council Resolution 687, the process of destruction, removal, or rendering harmless of Iraq’s weapons of mass destruction was to have been completed within 45 days of the approval of Security Council Resolution 687 (which was approved on April 3, 1991);

Whereas Iraq has now been in breach of this requirement for more than a decade;

Whereas Iraq consistently impeded the work of United Nations weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial sites and documents and by obstructing their work in numerous other ways;

Whereas on October 31, 1998, Iraq banned almost all United Nations inspectors despite its agreement to comply with Security Council Resolution 687;

Whereas on December 15, 1998, the chief United Nations weapons inspector reported that Iraq was withholding cooperation;

Whereas Congress declared in Public Law 105–235 (112 Stat. 1538) that “the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations”;

Whereas Security Council Resolution 687 was adopted under chapter VII of the United Nations Charter and therefore can be enforced through military action;

Whereas the United States has reported that a high risk exists that Iraq has continued to develop weapons of mass destruction since the expulsion of United Nations weapons inspectors, in violation of Security Council Resolution 687;

Whereas such development is a threat to the United States and its allies in the Middle East;

Whereas Congress declared in Public Law 105–338 (112 Stat. 3178) that it should be “the policy of the United

States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime”;

Whereas the attacks of September 11, 2001, illustrate the global reach of terrorists;

Whereas numerous terrorist groups are seeking to acquire weapons of mass destruction;

Whereas Iraq is a sponsor of terrorism and has trained members of several terrorist organizations;

Whereas the regime of Saddam Hussein plotted to assassinate former President George Bush during his visit to the State of Kuwait in 1993;

Whereas the President has stated that “any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime” and has committed to “pursue nations that provide aid or safe haven to terrorism”; and

Whereas on November 26, 2001, President Bush warned that any nation that develops weapons of mass destruction in order to “terrorize” others “will be held accountable”:
Now, therefore, be it

Amend the title so as to read: “Regarding the inspection and monitoring of development of weapons of mass destruction in Iraq.”

Chairman HYDE. I am pleased to call up House Joint Resolution 75, expressing our strong concern about Saddam Hussein's failure to comply with the weapons inspection requirements established by the United Nations at the end of the Persian Gulf War.

This resolution was introduced on December 4 by our former colleague on this Committee, Mr. Graham, and I was proud to join him as an original co-sponsor of the measure. Many other Members of the Committee are cosponsors as well. Since the introduction, we have worked with Mr. Lantos, as well as with Mr. Gilman and Mr. Ackerman of our Subcommittee on the Middle East and South Asia, to develop this substitute that is now before us.

The resolution draws attention to the growing threat to international peace and security posed by Saddam Hussein's refusal to comply with the terms of the cease-fire agreement ending the Persian Gulf War. Those terms were incorporated by the U.N. Security Council into Resolution 687 of 1991 and into subsequent resolutions addressing the situation in Iraq.

Those terms required him to afford U.N. weapons inspectors unfettered access to sites in Iraq where weapons of mass destruction might be under development, as well as to other relevant locations and information in Iraq. From 1991 until 1998, Saddam Hussein went through the motions of complying with these inspection requirements, while doing everything that he could to prevent the weapons inspectors from discovering the truth about the history of his weapons programs.

Since 1998 Saddam has stopped complying all together. In other words, since 1998, Saddam's ability to reconstitute his nuclear weapons program, his biological weapons program, his chemical weapons program, and his long-range missile program has not been constrained by international inspectors. There is every reason to believe that Saddam has taken advantage of the absence of inspectors to revive these weapons programs.

The events of September 11th demonstrate the severity of this threat to the United States, and indeed to all civilized countries. The terrorists who attacked our country on September 11th wanted to kill as many Americans as possible. They sought to use aircraft as weapons of mass destruction. There can be no doubt that if they had had access to real weapons of mass destruction, they would have used them to kill as many of our fellow citizens as possible.

Saddam Hussein has a track record of developing such weapons and of using them not only against his enemies but against his own people, so he would have no qualms about using them against us.

Just last week this Committee received testimony from two of our Nation's leading experts on biological weapons. These experts, Dr. Richard Spertzel and Dr. Ken Alibek, agreed that there was most likely state involvement in the anthrax attacks that our Nation has experienced since September 11th, and that the most likely state to have been involved was Iraq. So we are confronting a very serious threat—something that is literally a matter of life and death—and this resolution expresses our very strong desire to see that something is done about it.

This resolution does not—I repeat, does not—seek to give the President legal authority to use force against Iraq. There is a debate about whether he already has such authority, I happen to be-

lieve that he does, but this resolution does not speak to that question. All it says is that Iraq is violating its obligations under international law, and this violation presents a mounting threat to our Nation, to our allies, and to international peace and security. These statements are demonstrably true, and the truly dangerous course would be to remain silent in the face of these facts.

For these reasons I urge my colleagues to support the resolution, and I now yield such time as he may consume to the gentleman from California, Mr. Lantos.

[The prepared statement of Mr. Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

I am pleased to call up H.J.Res. 75, a resolution expressing our strong concern about Saddam Hussein's failure to comply with the weapons inspection requirements established by the United Nations at the end of the Persian Gulf War.

This resolution was introduced on December 4th by our former colleague on this Committee, Mr. Graham, and I was proud to join him as an original cosponsor of the measure. Many other members of the Committee are cosponsors as well. Since introduction, we have worked with Mr. Lantos, as well as with Mr. Gilman and Mr. Ackerman of our Subcommittee on the Middle East and South Asia, to develop the substitute that is now before us.

The resolution draws attention to the growing threat to international peace and security posed by Saddam Hussein's refusal to comply with the terms of the cease fire agreement ending the Persian Gulf War. Those terms were incorporated by the U.N. Security Council into Resolution 687 of 1991, and into subsequent resolutions addressing the situation in Iraq. Those terms required him to afford U.N. weapons inspectors unfettered access to sites in Iraq where weapons of mass destruction might be under development, as well as to other relevant locations and information in Iraq.

From 1991 until 1998, Saddam Hussein went through the motions of complying with these inspection requirements, while doing everything he could to prevent the weapons inspectors from discovering the truth about the history of his weapons programs. Since 1998, Saddam has stopped complying altogether.

In other words, since 1998, Saddam's ability to reconstitute his nuclear weapons program, his biological weapons program, his chemical weapons program, and his long range missile program has not been constrained by international inspectors. There is every reason to believe that Saddam has taken advantage of the absence of inspectors to revive these weapons programs.

The events of September 11th demonstrate the severity of this threat to the United States, and indeed to all civilized countries. The terrorists who attacked our country on September 11th wanted to kill as many Americans as possible. They sought to use aircraft as weapons of mass destruction. There can be no doubt that if they had had access to real weapons of mass destruction, they would have used them to kill as many of our fellow citizens as possible.

Saddam Hussein has a track record of developing such weapons, and of using them not only against his enemies, but against his own people. So he certainly would have no qualms about using them against us.

Just last week this Committee received testimony from two of our nation's leading experts on biological weapons. These experts, Dr. Richard Spertzel and Dr. Ken Alibek, agreed that there was most likely state involvement in the anthrax attacks that our nation has experienced since September 11th, and that the most likely state to have been involved was Iraq.

So we are confronting a very serious threat—something that is literally a matter of life and death—and this resolution expresses our very strong desire to see something done about it.

This resolution does not seek to give the President legal authority to use force against Iraq. There is a debate about whether he already has such authority, and I happen to believe that he does, but this resolution does not speak to that question.

All it says is that Iraq is violating its obligations under international law, and that this violation presents a mounting threat to our nation, to our allies, and to international peace and security. These statements are demonstrably true, and the truly dangerous course would be to remain silent in the face of these facts.

For all these reasons, I urge my colleagues to support the resolution.

Mr. LANTOS. Thank you very much, Mr. Chairman. I strongly support H. J. Res. 75, and I urge all of our colleagues to support it as well.

I also want to commend our colleague, Congressman Graham, for introducing this important resolution. And I want to congratulate you for your leadership role in bringing it before us in its current form.

Mr. Chairman, in the past half century, no government has so consistently and flagrantly flouted the will of the international community as has Saddam Hussein's Iraq. No national leader has so regularly demonstrated that he is a threat to the lives of his neighbors and his own citizens as has Saddam Hussein.

Without any provocation, Saddam Hussein attacked Iran in 1980; swallowed up all of Kuwait in 1990. The first time, Mr. Chairman, since Hitler, that one nation tried to wipe another off the map. And he rained missiles on Israel and Saudi Arabia in 1991, as you and I so well remember because we were there.

He is the only current national leader to have employed weapons of mass destruction, using chemicals to attack Iran during the Iran-Iraq War and to murder some 5,000 Kurds, citizens of his own nation in 1988.

United Nations Security Council Resolution 687, the cease-fire resolution that ended the Gulf War in 1991, required Saddam Hussein to transfer to the international community for purposes of destruction, his weapons of mass destruction and all related capabilities within 45 days. That was 10 years ago, Mr. Chairman.

Now, more than a decade later, Saddam Hussein continues to defy the requirements of the international community in a contemptuous manner. During the past 10-plus years, Saddam first obstructed and lied to the inspectors, then he had them expelled, and now he will not allow them to return.

Of course, Saddam Hussein has ignored virtually every United Nations Security Council demand. He has refused to provide information about 600 Kuwaitis still missing after being taken prisoner in 1991, and refused to return property stolen from Kuwait during Iraq's brutal 1990-1991 occupation. Even though he eventually acknowledged the demarcation of the Iraq-Kuwait border, the state-controlled Iraqi media continues to threaten further invasions.

Saddam Hussein's resort to terror is legendary, including his effort to attempt to assassinate former President George Bush in Kuwait in 1993.

Over the years, he has sponsored Abu Nidal and many other cut-throat terrorist groups. Today he gives domicile to Abu Abass, who master-minded the Achille Lauro hijacking in 1985 and the cold-blooded murder of an American citizen, Leon Klinghoffer. Most recently, Mr. Chairman, we have been reminded of his terrorism by the capture of an Iraqi terrorist cell in the West Bank and, chillingly, by the Czech government's confirmation that the September 11 hijacker, Mohammad Atta, twice met with Iraqi intelligence agents in Prague.

Mr. Chairman, in the Gulf War cease-fire resolution, U.N. Security Council Resolution 687, the Security Council pledged, and I quote,

“to take such further steps as may be required to implement the resolution and to secure peace and security in the region.”

In view of Saddam Hussein’s total disregard of the value of human life and his demonstrated willingness to use weapons of mass destruction and terrorism to achieve his aims, nobody in Iraq, the Middle East, or the West, including the United States, is safe from his evil designs.

September 11 has demonstrated that we must take resolute action to prevent disasters before they occur. For now our best recourse is to assure that U.N. weapons inspectors return to Iraq and are granted, in the words of the U.N. Security Council resolution,

“immediate, unconditional and unrestricted access to weapons of mass destruction, related facilities, and documents.”

The world can no longer live with the possibility that Saddam is developing weapons of mass destruction, including nuclear weapons. This resolution says, in effect, that Saddam Hussein has one last chance to do what he was supposed to have done more than a decade ago; for no one can be in doubt that in current circumstances Saddam represents, as the U.N. resolution says—and our resolution says—

“a mounting threat to the United States, its allies, and international peace and security.”

Thank you, Mr. Chairman.

Chairman HYDE. Thank you. I will now recognize people to strike the last words. Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman, and I will be brief. It is seldom that a resolution comes up that I am so wholeheartedly in support of as this one. I must say that it is also seldom that a resolution like this comes up that there was a need to strengthen. I have enjoyed on a bipartisan basis so much cooperation in strengthening this resolution that I do support and support wholeheartedly.

And I recognize, Mr. Chairman, that your opening comments spoke of how this is not a call specifically to change governments in Iraq. But I for one believe that this resolution does speak to it in a historic sense, and it makes it clear that the time, as Mr. Lantos said, is quickly running out. I believe the time should have run out a long time ago, but there is no time like the present to send a final word on the patience of this body. I believe when it is voted on on the floor, the entire body of the House will wholeheartedly support this resolution—it being the last such initiative before we thoroughly throw up our hands and move for the Administration to take the most severe action to free the world of this terrible and corrupt and destructive regime.

With that, I yield back the balance of my time.

Chairman HYDE. The gentleman from New York, Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman.

Let us be clear what this resolution is not. It is not an authorization for the President to use force against Iraq; it is a cogent articulation of the case against Saddam Hussein who remains a threat to international peace and security.

In the wake of the heinous attacks of September 11th, it is important that we not lose sight of those states that in the past have wanted to do us harm. And, indeed, in the case of Iraq, we have a state that clearly intends to do us harm in the future as well.

The point to be made about Iraq is not that the evidence of Iraq's involvement in the September 11th attacks is compelling; thus far it is not. The point to be made is that Iraq is violating the conditions of the cease-fire to which they agreed in 1991. One of those conditions was Iraq's acceptance of,

“immediate, unconditional, and unrestricted access to any and all facilities, equipment, records, and means of transportation,”

by United Nations weapons inspectors.

Not only has Saddam Hussein violated his surrender agreement by not allowing such inspections, he does not even allow the weapons inspectors into the country.

In recognition of this fact, Congress in 1998 passed Senate Joint Resolution 54, which declared Iraq,

“in material and unacceptable breach of its international obligations.”

Those circumstances have not changed, and it is about time that our friends on the Security Council recognize that.

Mr. Chairman, we should remember that while Saddam has been ignoring Security Council resolutions, he has not been idle. As the resolution notes,

“A high risk exists that Iraq has continued to develop weapons of mass destruction.”

We should never forget that Iraq is led by a man who has used these weapons against Iran as well as his own citizens. He has pursued a policy of ethnic cleansing against the Kurds, and he has committed war crimes against the Shiites in southern Iraq. The fate of 600 missing Kuwaitis remains unresolved and Iraq has thus far refused to provide any information as to their fate. This is yet another condition of the cease-fire that Iraq is violating.

There are those who have argued that we should lift the sanctions on Iraq, that these sanctions harm the Iraqi people. I believe, Mr. Chairman, that we must be clear and emphatic that only Saddam Hussein hurts the Iraqi people. If he were to abide by the conditions laid out in the U.N. Security Council resolutions, conditions which he accepted and which the international community demanded, the sanctions would be lifted. He lifts them when he keeps his word.

But Saddam Hussein has yet to demonstrate by his conduct that he should be rewarded. Rewarding criminals only leads to more crime. Rewarding tyrants only leads to more tyranny. Rewarding terrorists only leads to more terrorism. We have seen clearly evidence of this in the Middle East.

Mr. Chairman, September 11th provides us with an opportunity to reinvigorate our policy toward Iraq and to press the international community and our friends on the Security Council to demand that Iraq comply with the conditions of the cease-fire. The resolution before us today sends that message. It also tells Saddam Hussein that the patience of the United States is at an end.

I want to congratulate our colleague, Congressman Graham, as well as our Ranking Member on the Committee, Mr. Lantos, for introducing this resolution, and you yourself, Mr. Chairman, for your statement and for bringing it up in such an expedient fashion.

I yield back the balance of my time.

Chairman HYDE. Thank you. Mr. Houghton, the gentleman from New York.

Mr. HOUGHTON. Thank you very much, Mr. Chairman. Mr. Chairman, since you are a co-signer of this joint resolution, maybe you could help me on this. I, of course, agree with the sentiments expressed here; no question about that. But rather than being just a paper tiger, I am really not sure what this does. It says the President of the United States and the United Nations should insist. What does that mean? If you insist and they do not respond, what does that mean? Does it mean that then you consider this an act of aggression? Maybe you can help me on this.

Chairman HYDE. Yes. I think it is a statement of policy by the United States Congress, speaking for the American people, that they take seriously the breach of the agreement made at the end of the Gulf War when Saddam, as part of the peace agreement, agreed to have inspectors with unfettered access to where he might be manufacturing weapons of mass destruction. He has kicked them out. For 3 years, they are not there. We know he has used them before against his own people, and we are unwilling to let this fall between the cracks. While we are looking for Osama bin Laden through the caves of Afghanistan, over here is Saddam Hussein, doubtless manufacturing chemical, biological, and nuclear weapons.

And so this is bringing attention to it. It is helping to focus Congress, and hopefully the American people, on this very dangerous and, I would say, ticking time bomb. It is not worthless. It is something that expresses the sentiment of Congress, brings it to the attention of our State Department.

There is a resistance of Saddam Hussein that frankly I don't think has gotten the attention it deserves. So this is focusing on a serious problem and saying let us do something about it. We don't tell the State Department, we don't tell the President what to do. That is not the purpose of this. It is to focus attention on a festering dangerous problem.

Mr. HOUGHTON. Well, I thank the Chairman for that. Again, I agree with the concept here, but it has been my perception that we have insisted before and he has ignored us.

Chairman HYDE. Repetition is the soul of eloquence.

Mr. HOUGHTON. Well, is this just another in the series of repetitions, or does this mean a little more?

Chairman HYDE. What did you say? I didn't—

Mr. HOUGHTON. Is this is just another in a series of insisencies, which—

Chairman HYDE. No, I think you are minimizing. This is the latest.

Mr. HOUGHTON. Does this mean more?

Chairman HYDE. This is the latest assertion of concern, a growing concern about a growing problem. Attention must be paid.

Mr. HOUGHTON. Thank you.

Chairman HYDE. Mr. Leach.

Mr. LEACH. Well, I just want to add slightly to this dialogue, because I think it is an important one that the gentleman from New York has raised. I would just add slightly to this dialogue because it is very important what the gentleman from New York has raised, as well as a prior speaker.

The original language of this bill did include the words "act of aggression." This is not in this resolution and, I think, quite wisely. And I think the Chairman very thoughtfully changed that wording.

And therefore the question is: Why the resolution? And I think the resolution is appropriate because it is designed to reflect increasing concern in the United States, and I think this stands as a very serious warning to parties that ignore the international community that there may be repercussions. What and where they will be, I think, has to be determined in the future.

But it is always unwise to put the cart before the horse. The Constitution of the United States indicates under Article 1 that only Congress has the power to declare war. It is certainly wise, I think precedent-wise and otherwise, to respond to Executive requests rather than to lead in that direction. And so I think that the language of this resolution is very thoughtful, very reasonable, very compelling. But it is a bit unsatisfying, dissatisfying, in the sense that if you say this is very serious and you don't act, that is a dilemma. And so what the United States Congress is basically saying is that we realize there may be other things to follow, but we don't know just what they are going to be because they are rooted in potential actions of the Government of Iraq.

But I think it would be unwise at this time to conclude anything more sternly than that, as dissatisfying as that intellectually can be.

Mr. HOUGHTON. Would the gentleman yield?

Mr. LEACH. Of course.

Mr. HOUGHTON. This is probably not going to happen, but if I were doing it, I think that I would put this resolution in the hands of the Iraqi Ambassador, whoever it goes to, and say, by a member of the State Department, this is just not another in a series; this really means something. If nothing is done after this act, we are going to take an entirely different approach to it.

Chairman HYDE. Well, I welcome your tactical suggestions and we will relay them to the State Department. Thank you, Mr. Houghton. Thank you, Mr. Leach.

I have three names of people who want to be recognized. They are all Republicans, so I hope nobody thinks I am unleveling the playing field. Mr. Ron Paul.

Mr. PAUL. Thank you, Mr. Chairman.

I would like to speak on the substitute. I support the substitute in place—in replacement of the original, for obvious reasons. The original bill was really dangerous and outlandish to consider that if someone did not follow a U.N. resolution, it was to be construed as an act of aggression against the United States.

So in the context of this debate, this resolution does have significance, but I am delighted that the author of the amendment clearly stated that this is not to be construed to be giving the President power to invade a country, which the first one did.

So I certainly support the substitute amendment over the original; but then, again on careful consideration, find the substitute just a bit too strong for myself. I am not sure about the purpose of the resolution. From my viewpoint, I think it serves to do great harm. It is jingoistic. It talks about confrontation. It, to me, invites conflict, and it certainly puts way too much emphasis on U.N. resolutions.

What if we dealt with every country that did not obey a U.N. resolution—and we all know which country has had the most resolutions written against it—and they have not been obeyed. So that is not a precedent you want to set, and that can't be the real reason.

My strong objection to a resolution like this is because I have a belief that we should always promote peace with a concern for national security and national defense, and at the same time protecting national sovereignty. I see resolutions like this that attack peace, challenge peace, promote war, and really serve no benefit to our national security and undermine our sovereignty.

The Chairman did state that there have been no inspections since 1998. That is not quite true. In 1999, U.N. inspectors went in there and did destroy some poison gases. And in this very year, 2001, the International Atomic Energy Agency was in there, and they wrote a remarkable statement. They said: I am pleased to confirm that between the 20th and 23rd of January 2001, a four-person IAEA team carried out a physical inventory or verification of the declared nuclear material remaining in Iraq under IAEA seal. For its part, Iraq provided the necessary cooperation for the inspection team to perform its activities effectively and efficiently.

So I think sometimes we get one-sided on this, and we should at least look for some balance on this.

Scott Ritter, led the U.N. team. He is not exactly a Ron Paul follower. He led the U.N. team into Iraq on 30 occasions. He was on the television just recently. He said—in terms of military threat, absolutely nothing—when he was asked about whether Iraq was a threat to us. Absolutely nothing. His military was devastated in 1991, in Operation Desert Storm, and hasn't had the ability to reconstitute itself in terms of weapons of mass destruction. We just don't know. We know that we achieved a 90 to 95 percent level of disarmament. Diplomatically, politically, Saddam is a little bit of a threat.

In terms of real national security threats to the United States, no; none. I mean, I have not been to Iraq. Probably not too many of us have. He has been there 30 times under the U.N. inspection team. So I just happen to think that we should look at this somewhat differently.

Mr. PAUL. Why do we not deal with Iraq like we ask everybody else to deal with their problems? We recommend that the Catholics talk with the Protestants. We recommend that Israel talk to the Palestinians. We recommend that all conflicting parties talk to each other. What did we do in 1962 at the height of the Cold War with the threat of the Soviets 90 miles off our shores? We talked to them.

We won't even talk to the Iraqis. And who suffers the most? The Iraqi people. They have a horrible dictator devastating their land, and what do we do? We embargo them. Then we bomb them.

Now, where do we get the U.N. authority to bomb? We had U.N. authority to get them out of Kuwait. But in one sense we want to be a stickler for the rules, and in another sense we do what we please. So I would say just try to have some balance.

So I compliment the Chairman for having the substitute. I will vote for the substitute, but, of course, against the final passage.

Mr. ACKERMAN. Will the gentleman yield?

Chairman HYDE. He doesn't have any time. I thank the gentleman.

Mr. ACKERMAN. Unanimous consent that the gentleman be given 2 additional minutes?

Chairman HYDE. Without objection, so ordered.

Mr. ACKERMAN. In partial answer to your question, we deal with Iraq differently than we deal with some other places, because Iraq has acceded to the demands of the international community by imposing surrender terms upon itself which caused a cessation of the action by the United Nations against them. And they are in violation of their own agreement which basically stopped the firing.

I don't know if the gentleman is aware in regard to his strong reliance, I feel it a bit discomfiting that the gentleman approaches this from the left of me, but nonetheless on January 20th—on January 23rd, that huge amount of time that the IAEA went in and conducted the inspection, the only thing that they inspected in that extraordinarily long period of time was not the whole country of Iraq, but to check on the little tabs that they themselves placed in certain places to make sure that these things weren't open and used. They checked nothing else and certainly had time to inspect nothing else.

So the gentleman's reliance on those very comforting words to him provide no comfort to the rest of us, or at least to me—

Mr. PAUL. Reclaiming my time.

Mr. ACKERMAN [continuing]. About being open and agreeing to allowing inspections anywhere, anytime. It was a little 3-day period that they inspected 22 tabs.

Mr. PAUL. May I reclaim my time? I think the point there is not that they are perfect, obviously, but that it is not total rejection. How could we get a letter from the IAEA, a letter of cooperation alike that? Did someone go and tell them to write this and make up a story? Obviously there was some cooperation.

And I just do not believe that they are unilaterally the only country in the world who ever flaunted U.N. resolutions. I would like to—if we need to use force to go back into Iraq, what do you think the odds are that we are going to get a U.N. resolution? We can't win that vote. That is why we bombed them without a U.N. resolution authorizing the bombing.

Mr. ACKERMAN. If the gentleman will yield further? The reason we bombed them is that they violated the terms of the no-fly agreement that they agreed to.

Mr. PAUL. Why don't we get the authority from the United Nations, like we always do, because we were limited to getting rid of Iraqi troops from Kuwait.

Mr. ACKERMAN. It is rather open-ended. They can't violate the no-fly zone. It wasn't from January 22nd.

Mr. PAUL. Well, I would—

Chairman HYDE. The gentleman's time has again expired. The Chair yields himself 5 minutes.

There are resolutions and there are resolutions. There are New Years Day resolutions, there are Christmas resolutions, and there are resolutions of the Security Council of the United Nations. These resolutions speak for most of the world, saying that this war can come to an end if—and only if—Saddam Hussein permits inspection to find out if he is manufacturing nuclear weapons which will start a war that will obliterate the planet. So to compare resolutions is an empty gesture unless you understand the purpose of some resolutions and the essentiality of them under the circumstances.

Now, there was an inspection, but that inspection was under the nonproliferation treaty rather than the peace agreement, a much narrower inspection, and there was just one. The chemical inspection that happened was because some samples were overheating, and this was to check on them. But there have been no inspections pursuant to the peace agreement and the U.N. resolution.

Now the rationale for the U.N. is to show the broad base for those people who condemn the activities of Saddam Hussein. You can't treat everybody the same, because everybody isn't the same. And the consequences of their misconduct can be horrendous. In the wake of what Osama bin Laden did to us in New York, to defend under some notion of fairness a dictator who lost a war and made a peace agreement to permit thorough, unfettered inspections, which he has refused to make for the last 3 years, is to want to die and leave no descendents. It is suicidal. So, I mean, that is just my response to my good friend, Mr. Paul, who is one of the most thoughtful Members of this Committee, one with whom I comprehensively disagree.

The gentleman from California, I yield to him.

Mr. LANTOS. Thank you very much, Mr. Chairman, for yielding. I also would like to respond to my friend, Mr. Paul. If you would pay attention, Mr. Paul, I have some comments for you. I also would like to respond to some of your observations, Mr. Paul.

On December 10, there was a remarkable op-ed in the *Wall Street Journal*. The author of the op-ed is a scientist by the name of the name of Khidhir Hamza, who spent 20 years of his life working on Iraq's nuclear program and defected to the United States in 1994.

This is what he says in part, and I am quoting him:

“There is no time to waste. Saddam's express goal is to continue building up his chemical and biological stockpiles and to ultimately wield a nuclear weapon. Each day we wait we allow him to go further toward that goal.”

This is a person, an Iraqi scientist, who devoted two decades of his life to building Saddam's weapons of mass destruction. And now, living in the United States, free from the terror of Saddam, he cautions us and the rest of the world that we have no time to wait, because obviously, unless one is totally blind, Saddam is

using this period of noninspection to develop his chemical, biological and nuclear weapons.

Now, the purpose of our resolution, as I commented in my opening statement, is to put on record the view of the Congress of the United States that Saddam Hussein has one last chance to comply with the U.N. resolution relating to inspections, and let everyone, including Saddam Hussein, construe that as he may.

Our President stated very clearly that the battle against international terrorism is global, that Afghanistan is the first, not the last, chapter. And as all of us clearly understand, there will be additional countries that will come into play, and obviously a country which is busily building weapons of mass destruction is not going to be excluded.

I want to thank the Chair.

Chairman HYDE. My time has expired. I have two more speakers listed. Mr. Nick Smith of Michigan.

Mr. SMITH OF MICHIGAN. Thank you, Mr. Chairman. I also would certainly support the substitute over the original bill.

I would like the Chair to consider a friendly amendment to the amendment. I think there is no question that the people of Iraq have suffered most from this deranged dictator, Saddam Hussein. I mean, they have suffered much more than Americans have suffered or anybody else in the world has suffered.

So reading through the “whereases,” where we keep mentioning that Iraq did this and Iraq did that—Iraq without provocation fired SCUD missiles to Israel, and Iraq without provocation did this, and Iraq without—I wonder if it wouldn’t be reasonable to move our aggression away from the whole country of Iraq, which sort of includes the Iraqi people. Substitute in the place of the Iraq language in all of those whereases, language that says the “regime of Saddam Hussein.” I think there is no question that this is an individual more than a country that we are concerned with.

If the Chair would consider agreeing to that, I would ask unanimous consent that where appropriate in the whereas clauses, we substitute “the regime of Saddam Hussein,” rather than just saying the country of Iraq.

Chairman HYDE. Is there any discussion of the gentleman’s—

Mr. LANTOS. Yes, Mr. Chairman. I think it is appropriate occasionally to refer to the regime of Saddam Hussein. But Iraq is a country, and we refer to countries by their name. And I would object to eliminating the word “Iraq” in every instance in this resolution.

Mr. SMITH OF MICHIGAN. Well, let me say that it still gives me a great deal of concern to imply that it is the whole country, where in my opinion, in my studies, it is definitely this irrational, somewhat deranged dictator that is causing the problem.

Mr. ROHRABACHER. Will the gentleman yield?

Mr. SMITH OF MICHIGAN. I will yield. And Ron Paul asked me to yield too.

Mr. ROHRABACHER. I think this is a very reasonable request, to make sure that we condemn the regime rather than the country. Let me remind our colleagues that the United States, we as citizens of this country, believe that the legitimate government is only that government that derives its just powers from the consent of

the governed. Otherwise what you have is not a legitimate government, but instead a gang of thugs who hold power. I would submit that is what is going on in Iraq.

Mr. Smith has the time.

Chairman HYDE. I understand. If the gentleman would yield, I think we can work toward the gentleman's goal. This is hopefully going to go on suspension, and we can talk in the interim to amend as many "Iraqs" to the "regime of Saddam Hussein" as we can do and not do violence to the English language or the real purpose.

Mr. SMITH OF MICHIGAN. I thank the Chairman. A lot of people in my district have gone to Iraq, trying to make sure that some of the food and medicine supplies get to the people where Saddam Hussein has kept it from happening.

I would yield to Mr. Paul for a comment.

Mr. PAUL. I thank the gentleman for yielding. I too would support your amendment, because I think it would be a definite improvement.

I do want to bring up another point, though; that if we are careless in our definition of countries that harbor terrorists and attack them, we should look carefully at the shortcomings of the Saudis right now. They have been known to train terrorists. They have not been fully cooperative in what we are doing. The Pakistanis, although they are receiving large funds from us right now, may well be a hindrance to our fight against terrorism, and we should not ignore this. To dwell and be obsessed with one country I think is in correct.

It has been said in the resolution—it was said in the resolution that we attacked—whereas Iraq attacked the Islamic Republic of Iran, you know, in the early 1980s. You have to remember that they did that as one of our allies. We provided funds for them, and even some of their technology came from the United States. So it is not like it was an isolated event.

And also, in another resolution, or a whereas, it says that we are condemning Hussein for the ethnic cleansing of the Kurdish people, which we should. It can be—it was horrible. At the same time, though, the Turks do the same thing, and they get a lot of money from us. So there is something awfully inconsistent. The Turks aren't all that anxious for us to stir up a war in Iraq, and to think that the Kurds may become our next Northern Alliance for overthrowing Saddam Hussein I think is just casual, careless thinking. That has been proposed, that the Kurds will do the fighting. And the Turks are not going to be very happy with that, nor will the Russians.

Chairman HYDE. The gentleman's time has expired. I would just parenthetically agree with the gentleman. The difficulty is only Iraq is pursuing a program of developing nuclear weapons, chemical weapons, biological weapons; and that makes them a little more dangerous than Turkey, which is an ally of ours.

Mr. PAUL. If the gentleman would yield. Would it not be true that North Korea is developing nuclear weapons—and China?

Chairman HYDE. I think so. I think we will get around to that one, too.

The next speaker is Mr. Sherman.

Mr. SHERMAN. Just briefly. I don't think that the situation calls for a balanced resolution. Saddam Hussein is trying to develop nuclear weapons. When he succeeds, he will either threaten to or actually use them against the United States. I hope that we take every action to prevent him from developing those nuclear weapons.

Also as to sanctions, keep in mind these so-called sanctions or embargoes are nothing more than a trust fund in which Iraq, which now exports more oil than it did before the Gulf War, takes all the money from those exports and is restricted by the United Nations to buying only food and medicine.

If these so-called sanctions, which are actually protections for the Iraqi people, are removed, Saddam would spend all of that money on nuclear weapons development and on additional palaces for himself. All I can say is the people of Iraq will thank God for those so-called U.N. sanctions which are at least causing some of their oil revenue to go for the benefit of the people.

I think that this is an outstanding resolution, and we ought to move forward with its adoption. Thank you.

Mr. GILMAN. [Presiding.] Thank you. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much. I would remind my good friend, Mr. Paul, that a commitment to consistency is not necessarily to be mistaken with a commitment for peace and freedom in the world.

Let me say that I think it is important for us to recognize what the reality of the situation is when we are trying to at least recommend policies. And the reality is, Saddam Hussein has a blood grudge against the people of the United States of America. And if we let down for an instant, there will be hundreds of thousands, if not millions, of Americans who will pay a horrible price for our irresponsibility.

And that is why resolutions like the one we are talking about today are so important, that we are sending a signal to Saddam Hussein and the others of the world that we are aware of the dangers that they possess toward the United States of America. And this idea that we are in some way bombing Iraq because of the U.N. resolution is ridiculous. We don't bomb in response to all U.N. resolutions—you are absolutely right—nor should we. But if something is consistent with the national security needs of the United States of America, and it happens to also be a U.N. resolution, then we should feel absolutely at ease in the decision to launch our weapons. And particularly in Iraq, our weapons are being launched at a time when Saddam Hussein is violating the no-fly agreement that he agreed on as a means to bring the conflict to an end 10 years ago.

Let us not forget that Saddam Hussein still holds hundreds of Kuwaiti prisoners. This is the equivalent of having, I would say, 20- or 30,000 Americans being held hostage. Saddam Hussein is doing everything that he can to thwart any type of inspection of his possible possession and development of weapons of mass destruction.

This, because of his blood grudge, because we didn't finish the job 10 years ago, this should be of maximum concern to all of us. And a search for consistency is not going to protect the American

people. If we say, well, we have to be consistent with every other policy decision we make in the world, and thus we aren't responsible, and let Saddam Hussein get away with developing a weapons system that can cause—

Mr. PAUL. Will the gentleman yield? If you don't strive for some form of consistency, what you are doing is throwing the rule of law out. What is the sense of having an international attempt at peace if you have a United Nations? So I think it is preposterous to think that you shouldn't strive for it.

Mr. ROHRABACHER. Striving for some kind of consistency is not trying to force yourself to be in lockstep with every decision you make in foreign policy, which is what, frankly, I hear today. And not striving for some kind of consistency—yeah, some kind of consistency is important. A commitment to principle is important. Trying to be responsible within a framework of law and your values is important.

Making sure that nut cases like Saddam Hussein don't get weapons that can murder millions of Americans, that is important, too, and perhaps more important than some of the other considerations of whether we are being consistent with a policy toward some other country on the other side of the world.

Mr. ISSA. I would like to second that, that whole question of consistency. For more than a decade we have—for almost two decades, we have almost always responded to attacks on Americans. Whether it was the Marines in Beirut, or nuclear power plants, or the coal, we have always tried to make a measured response.

I think it is time to give up consistency and predictability and measured responses. Just as Thomas Jefferson took on the Barbary Pirates, which everyone had had a measured response to for a long time, that we in fact have entered into a war on terrorism that no longer accepts measured, limited responses and containment.

Thank you. I yield back.

Mr. ROHRABACHER. I don't necessarily agree with that total sentiment, but there are certainly some valuable points that were made.

Mr. GILMAN. The gentleman's time has expired. I yield myself a few minutes.

I want to applaud our Committee colleague, Mr. Graham of South Carolina, for sponsoring this resolution. And I want to commend also Chairman Hyde and Mr. Lantos for this substitute.

My colleagues, we should bear in mind that today the Iraqis are suffering under the yoke of a cruel dictator, who is secretly diverting funds from his oil production for an army to terrorize the region of his own people, and seeks to threaten not only the region but the entire world through the illicit purchase of technology that can be used for weapons of mass destruction.

If Saddam were not pressing forward with building weapons of mass destruction and private palaces and importing luxury goods for the band of thugs that surround him, his people would have had more than enough to eat and they would be well off. This is not Saddam's only evil deed. By preventing effective U.N. inspections of his weapons of mass destruction, Saddam's government is in clear and continuing violation of the cease-fire to which he agreed in 1991. That alone would justify the use of force against him.

Essentially this makes Saddam a war criminal, and that is in addition to his crimes against humanity, his waging of an aggressive war against Muslim Kuwait, his genocide against, among others, the Muslims of Iraqi Kurdistan and the Muslim Shiites of the south.

As the attention of the world is focused on terrorism, President Bush is correct to note that nuclear and biological terror also must be resisted and overcome. Iraq is also, as this resolution notes, harboring terrorists of a more conventional kind. We and the rest of the world, especially the long-suffering Iraqi people, have had enough of Saddam and his terror; and it is time for him and all of the other terror-supporting states and institutions—and that includes Mr. Arafat—to change their behavior or to go.

Accordingly, I urge support for the Hyde-Lantos substitute.

Are there any other amendments to the amendment in the nature of a substitute?

If not the question occurs on the amendment in the nature of a substitute, as amended.

All in favor signify by saying aye.

Those opposed, nay.

The ayes have it, the amendment is agreed to.

The question occurs on the motion to report the bill, H. J. Res 75 favorably, as amended.

All in favor signify by saying aye.

All opposed—

Mr. LANTOS. Mr. Chairman. On that I request a recorded vote.

Mr. GILMAN. Is there a sufficient second to the request for recorded vote? Yes.

Please signify by show of hands, the seconds.

A recorded vote is ordered.

Mr. SMITH OF MICHIGAN. Point of order.

Mr. GILMAN. Would the gentleman please state his point of order?

Mr. SMITH OF MICHIGAN. Does this mean that if we have to go vote before the rollcall is finished, and would it require a quorum to pass this out of Committee?

Mr. GILMAN. We have sufficient time to conduct our vote.

The clerk will call the roll.

Ms. BLOOMER. Mr. Gilman.

Mr. GILMAN. Aye.

Ms. BLOOMER. Mr. Gilman votes yes.

Mr. Leach.

Mr. LEACH. Yes.

Ms. BLOOMER. Mr. Leach votes yes.

Mr. Bereuter.

[No response.]

Ms. BLOOMER. Mr. Smith of New Jersey.

[No response.]

Ms. BLOOMER. Mr. Burton.

[No response.]

Ms. BLOOMER. Mr. Gallegly.

[No response.]

Ms. BLOOMER. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Yes.

Ms. BLOOMER. Ms. Ros-Lehtinen votes yes.
Mr. Ballenger.
Mr. BALLENGER. Yes.
Ms. BLOOMER. Mr. Ballenger votes yes.
Mr. Rohrabacher.
Mr. ROHRABACHER. Yes.
Ms. BLOOMER. Mr. Rohrabacher votes yes.
Mr. Royce.
Mr. ROYCE. Yes.
Ms. BLOOMER. Mr. Royce votes yes.
Mr. King.
[No response.]
Ms. BLOOMER. Mr. Chabot.
Mr. CHABOT. Yes.
Ms. BLOOMER. Mr. Chabot votes yes.
Mr. Houghton.
Mr. HOUGHTON. Yes.
Ms. BLOOMER. Mr. Houghton votes yes.
Mr. McHugh.
[No response.]
Ms. BLOOMER. Mr. Burr.
[No response.]
Ms. BLOOMER. Mr. Cooksey.
Mr. COOKSEY. Yes.
Ms. BLOOMER. Mr. Cooksey votes yes.
Mr. Tancredo.
[No response.]
Ms. BLOOMER. Mr. Paul.
Mr. PAUL. No.
Ms. BLOOMER. Mr. Paul votes no.
Mr. Smith of Michigan.
Mr. SMITH OF MICHIGAN. Yes.
Ms. BLOOMER. Mr. Smith of Michigan votes yes.
Mr. Pitts.
[No response.]
Ms. BLOOMER. Mr. Issa.
Mr. ISSA. Yes.
Ms. BLOOMER. Mr. Issa votes yes.
Mr. Cantor.
[No response.]
Ms. BLOOMER. Mr. Flake.
[No response.]
Ms. BLOOMER. Mr. Kerns.
Mr. KERNS. Yes.
Ms. BLOOMER. Mr. Kerns votes yes.
Mrs. Davis of Virginia.
Mrs. DAVIS OF VIRGINIA. Yes.
Ms. BLOOMER. Mrs. Davis of Virginia votes yes.
Mr. Lantos.
Mr. LANTOS. Yes.
Ms. BLOOMER. Mr. Lantos votes yes.
Mr. Berman.
[No response.]
Ms. BLOOMER. Mr. Ackerman.

Mr. ACKERMAN. Yes.
Ms. BLOOMER. Mr. Ackerman votes yes.
Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Mr. Menendez.
[No response.]
Ms. BLOOMER. Mr. Brown.
[No response.]
Ms. BLOOMER. Ms. McKinney.
[No response.]
Ms. BLOOMER. Mr. Hilliard.
[No response.]
Ms. BLOOMER. Mr. Sherman.
Mr. SHERMAN. Yes.
Ms. BLOOMER. Mr. Sherman votes yes.
Mr. Wexler.
Mr. WEXLER. Yes.
Ms. BLOOMER. Mr. Wexler votes yes.
Mr. Davis.
Mr. DAVIS OF FLORIDA. Yes.
Ms. BLOOMER. Mr. Davis of Florida votes yes.
Mr. Engel.
Mr. ENGEL. Yes.
Ms. BLOOMER. Mr. Engel votes yes.
Mr. Delahunt.
[No response.]
Ms. BLOOMER. Mr. Meeks.
Mr. MEEKS. Yes.
Ms. BLOOMER. Mr. Meeks votes yes.
Ms. Lee.
[No response.]
Ms. BLOOMER. Mr. Crowley.
Ms. BLOOMER. Mr. Crowley votes yes.
Mr. Hoeffel.
Ms. BLOOMER. R. Hoeffel votes yes.
Mr. Blumenauer.
[No response.]
Ms. BLOOMER. Ms. Berkley.
Ms. BERKLEY. Yes.
Ms. BLOOMER. Ms. Berkley votes yes.
Ms. Napolitano.
Ms. BLOOMER. Ms. Napolitano votes yes.
Mr. Schiff.
Mr. SCHIFF. Yes.
Ms. BLOOMER. Mr. Schiff votes yes.
Ms. Watson.
Yes.
Ms. BLOOMER. Ms. Watson votes yes.
Mr. GILMAN. The clerk will call the absentees.
Ms. BLOOMER. Mr. Bereuter.
[No response.]
Ms. BLOOMER. Mr. Smith of New Jersey.

[No response.]
Ms. BLOOMER. Mr. Burton.
[No response.]
Ms. BLOOMER. Mr. Gallegly.
Mr. GALLEGLY. Yes.
Ms. BLOOMER. Mr. Gallegly votes yes.
Mr. King.
[No response.]
Ms. BLOOMER. Mr. McHugh.
[No response.]
Ms. BLOOMER. Mr. Burr.
Mr. BURR. Yes.
Ms. BLOOMER. Mr. Burr votes yes.
Mr. Tancredo.
[No response.]
Ms. BLOOMER. Mr. Pitts.
[No response.]
Ms. BLOOMER. Mr. Cantor.
[No response.]
Ms. BLOOMER. Mr. Flake.
[No response.]
Ms. BLOOMER. Mr. Berman.
[No response.]
Ms. BLOOMER. Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Mr. Menendez.
[No response.]
Ms. BLOOMER. Mr. Brown.
[No response.]
Ms. BLOOMER. Ms. McKinney.
[No response.]
Ms. BLOOMER. Mr. Hilliard.
[No response.]
Ms. BLOOMER. Mr. Delahunt.
[No response.]
Ms. BLOOMER. Ms. Lee.
[No response.]
Ms. BLOOMER. Mr. Blumenauer.
[No response.]
Ms. BLOOMER. Mr. Hyde.
Chairman HYDE. Yes.
Ms. BLOOMER. Mr. Hyde votes yes.
Mr. Burton.
Mr. BURTON. Yes.
Ms. BLOOMER. Mr. Burton votes yes.
Mr. Berman.
Mr. BERMAN. Yes.
Ms. BLOOMER. Mr. Berman votes yes.
Mr. Flake.
Mr. FLAKE. Yes.
Ms. BLOOMER. Mr. Flake votes yes.

Mr. GILMAN. Are there any other Members in the room who have not been recorded?

Mr. GILMAN. The clerk will report the tally.

Ms. BLOOMER. On this vote there were 32 ayes and 1 no.

Mr. GILMAN. The motion to report is adopted. Without objection, the Chairman is authorized to move to go to conference, pursuant to House Rule 22. Without objection, the staff is directed to make any technical and conforming changes.

Pursuant to notice, I now call up bill H. Con. Res. 273, reaffirming the special relationship between the United States and the Republic of Philippines, for purposes of markup.

Without objection, the resolution is deemed read.

[The concurrent resolution, H. Con. Res. 273, follows:]

107TH CONGRESS
1ST SESSION

H. CON. RES. 273

Reaffirming the special relationship between the United States and the Republic of the Philippines.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2001

Mr. ROHRBACHER (for himself and Mr. GILMAN) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Reaffirming the special relationship between the United States and the Republic of the Philippines.

Whereas the United States and the Republic of the Philippines have shared a special relationship of mutual benefit for more than 100 years;

Whereas 2001 marks the 50th anniversary of the United States-Philippines Mutual Defense Treaty, signed at Washington on August 30, 1951 (3 UST 3947);

Whereas since the September 11, 2001, terrorist attacks on the United States, the Philippines has been among the most steadfast friends of the United States during a time of grief and turmoil, offering heartfelt sympathy and support;

Whereas after the United States launched its war of self-defense in Afghanistan on October 7, 2001, Philippine President Gloria Macapagal-Arroyo immediately announced her Government's unwavering support for the operation, calling it "the start of a just offensive";

Whereas during United States operations in Afghanistan, the Government of the Philippines has made all of its military installations available to the United States Armed Forces for transit, refueling, resupply, and staging operations;

Whereas this assistance provided by the Philippines has proved highly valuable in the prosecution of the war in Afghanistan, as acknowledged by the Commander-in-Chief of United States Forces in the Pacific;

Whereas the Philippines also faces grave terrorist threats from the Communist Party of the Philippines, the New People's Army, the National Democratic Front, and the radical Abu Sayaff group, as well as an armed secessionist movement, the Moro Islamic Liberation Front;

Whereas the Abu Sayaff group has historical ties to Osama bin Laden and the al-Qaeda network, and has engaged in hundreds of acts of terrorism in the Philippines, including bombings, arson, and kidnappings;

Whereas in May 2001, Abu Sayaff kidnapped United States citizens Martin Burnham, Gracia Burnham, and Guillermo Sobero, along with several Filipinos;

Whereas Abu Sayaff killed Mr. Sobero and continues to detain Martin Burnham and Gracia Burnham; and

Whereas the United States and the Philippines are committed to each other's security pursuant to the Mutual Defense Treaty: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) expresses its deepest gratitude to the Gov-
4 ernment and people of the Philippines for their sym-
5 pathy and support since the September 11, 2001,
6 terrorist attacks on the United States;

7 (2) expresses its sympathy to the current and
8 recent Filipino victims of terrorism and their fami-
9 lies;

10 (3) affirms the commitment of the United
11 States to the Republic of the Philippines pursuant to
12 the 1951 Mutual Defense Treaty;

13 (4) supports the Government of the Philippines
14 in its efforts to prevent and suppress terrorism; and

15 (5) acknowledges the economic and military
16 needs of the Philippines and pledges to continue to
17 assist in addressing those needs.

○

Mr. GILMAN. Without objection, the Chairman is authorized to seek consideration of this measure on the suspension calendar.
If there is no further business, the Committee stands adjourned.
[Whereupon, at 3:5 p.m., the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE DANA ROHRBACHER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA

H. CON. RES. 273

Mr. Chairman:

This year marks the 50th anniversary of the United States—Philippines Mutual Defense Treaty. This treaty takes on new significance in light of enhanced partnership between America and the Philippines—our democratic partner in Southeast Asia—in the international war against terrorism. The Philippines has been among the most steadfast friends of the United States, with President Gloria Arroyo being the first international leader to make available basing facilities and troops to assist the United States in the campaign against Osama bin Laden and his al Qaeda terrorists. President Arroyo described the campaign as “the start of a just offensive.”

President Arroyo, whose father was President of the Philippines at the signing of the 1951 Mutual Defense Treaty, understands this new global war because terrorist groups inside the Philippines trained and supported by bin Laden have committed hundreds of acts of violence and kidnappings during the past few years. Currently, U.S. Special Forces soldiers are on the ground in the southern Philippine islands assisting Filipino security forces and soldiers to track down and destroy the terrorist groups. Among hostages being held by the bin Laden-backed Abu Sayyaf thugs are American citizens, Martin and Gracie Burnham.

This resolution, co-sponsored by 31 bi-partisan Members of Congress, expresses:

- Gratitude to President Arroyo and the people of the Philippines for their sympathy and support since the September 11 terrorist attacks.
- It affirms the commitment of the United States to the 1951 Mutual Defense Treaty.
- It supports the efforts of the Philippines government to prevent and suppress terrorism.
- And, supports the promise recently made by President Bush, to address the economic and military needs of the Philippines, in order to defeat internal terrorism and to defend their borders and sea lanes against external aggression.

I urge my Colleagues to strongly support this resolution.

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

H. CON. RES. 273

Thank you Mr. Chairman.

I would like to commend my good friend from California, Dana Rohrabacher, for introducing this important piece of legislation, which I am a cosponsor.

U.S. Philippine relations are based on shared history and commitment to democratic principles.

The political and economic importance of the Philippines to the United States can not be overstated.

As the resolution points out, this year marks the 50th anniversary of the Mutual Defense Treaty—which outlined a military alliance between the two countries. This alliance has proved to be instrumental in deterring aggression in Asia.

Security in Asia is as key *now* as it was 50 years ago.

I am particularly concerned with the actions of the Abu Sayaff terrorist group inside the Philippines.

Abu Sayaff has been linked to Osama bin Laden and his al-Qaeda network. This group has been engaging in bombings, arson, and kidnappings—including the kidnapping of American citizens.

Once again, I would like to applaud Mr. Rohrabacher—both he and I represent a significant Filipino community which is committed to strengthening U.S.-Philippine ties.

This resolution sends a strong message of support for the Philippine Government in its efforts to prevent and suppress terrorism and also pledges U.S. support for that effort.

Thank you.

PREPARED STATEMENT OF THE HONORABLE RON PAUL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

H. J. RES. 75

Mr. Chairman, I strongly oppose House Joint Resolution 75 because it solves none of our problems and only creates new ones. Though the substitute amendment offered by the Committee leadership did wisely excise the most objectionable part of H.J. Res. 75—the resolution clause stating that by not obeying a UN resolution Iraqi dictator Saddam Hussein has been committing an “act of aggression” against the United States—what remains in the legislation only serves to divert our attention from what should be our number one priority at this time: finding and bringing to justice those who attacked the United States on September 11, 2001.

Saddam Hussein is a ruthless dictator. The Iraqi people would no doubt be better off without him and his despotic rule. But the call in some quarters for the United States to intervene to change Iraq’s government is a voice that offers little in the way of a real solution to our problems in the Middle East—many of which were caused by our interventionism in the first place. Secretary of State Colin Powell underscored recently this lack of planning on Iraq, saying, “I never saw a plan that was going to take [Saddam] out. It was just some ideas coming from various quarters about, ‘let’s go bomb.’”

Mr. Chairman, House Joint Resolution 64, passed on September 14 just after the terrorist attack, states that, “The president is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on Sept. 11, 2001, or harbored such organizations or persons.” From all that we know at present, Iraq appears to have had no such role. Indeed, we have seen “evidence” of Iraqi involvement in the attacks on the United States proven false over the past couple of weeks. Just this week, for example, the “smoking gun” of Iraqi involvement in the attack seems to have been debunked: The New York Times reported that “the Prague meeting (allegedly between al-Qaeda terrorist Mohamad Atta and an Iraqi intelligence agent) has emerged as an object lesson in the limits of intelligence reports rather than the cornerstone of the case against Iraq.” The Times goes on to suggest that the “Mohamad Atta” who was in the Czech Republic this summer seems to have been Pakistani national who happened to have the same name. It appears that this meeting never took place, or at least not in the way it has been reported. This conclusion has also been drawn by the Czech media and is reviewed in a report on Radio Free Europe’s Newslines. Even those asserting Iraqi involvement in the anthrax scare in the United States—a theory forwarded most aggressively by Iraqi defector Khidir Hamza and former CIA director James Woolsey—have, with the revelation that the anthrax is domestic, had their arguments silenced by the facts.

Absent Iraqi involvement in the attack on the United States, I can only wonder why so many in Congress seek to divert resources away from our efforts to bring those who did attack us to justice. That hardly seems a prudent move. Many will argue that it doesn’t matter whether Iraq had a role in the attack on us, Iraq is a threat to the United States and therefore must be dealt with. Some on this committee have made this very argument. Mr. Chairman, most of us here have never been to Iraq, however those who have, like former UN Chief Arms Inspector Scott Ritter—who lead some thirty inspection missions to Iraq—come to different conclusions on the country. Asked in November on Fox News Channel by John Kasich sitting in for Bill O’Reilly about how much of a threat Saddam Hussein poses to the United States, former Chief Inspector Ritter said, “In terms of military threat, absolutely nothing . . . Diplomatically, politically, Saddam’s a little bit of a threat. In

terms of real national security threat to the United States, no, none.” Mr. Chairman, shouldn’t we even stop for a moment to consider what some of these experts are saying before we move further down the road toward military confrontation?

The rationale for this legislation is suspect, not the least because it employs a revisionist view of recent Middle East history. This legislation brings up, as part of its indictment against Iraq, that Iraq attacked Iran some twenty years ago. What the legislation fails to mention is that at that time Iraq was an ally of the United States, and counted on technical and military support from the United States in its war on Iran. Similarly, the legislation mentions Iraq’s invasion of Kuwait more than ten years ago. But at that time U.S. foreign policy was sending Saddam Hussein mixed messages, as Iraq’s dispute with Kuwait simmered. At the time, U.S. Ambassador April Glaspie was reported in the New York Times as giving very ambiguous signals to Saddam Hussein regarding Kuwait, allegedly telling Hussein that the United States had no interest in Arab-Arab disputes.

We must also consider the damage a military invasion of Iraq will do to our alliance in this fight against terrorism. An attack on Iraq could destroy that international coalition against terrorism. Most of our European allies—critical in maintaining this coalition—have explicitly stated their opposition to any attack on Iraq. German Foreign Minister Joschka Fischer warned recently that Europe was “completely united” in opposition to any attack on Iraq. Russian President Vladimir Putin cautioned recently against American military action in Iraq. Mr. Putin urged the next step to be centered around cutting off the financial resources of terrorists worldwide. As for Iraq, the Russian president said, “. . . so far I have no confirmation, no evidence that Iraq is financing the terrorists that we are fighting against.” Relations with our European allies would suffer should we continue down this path toward military conflict with Iraq.

Likewise, U.S. relations with the Gulf states like Saudi Arabia could collapse should the United States initiate an attack on Iraq. Not only would our Saudi allies deny us the use of their territory to launch the attack, but a certain backlash from all Gulf and Arab states could well produce even an oil embargo against the United States. Egypt, a key ally in our fight against terrorism, has also warned against any attack on Iraq. Egyptian Foreign Minister Ahmed Maher said recently of the coalition that, “If we want to keep consensus . . . we should not resort, after Afghanistan, to military means.”

Mr. Chairman, I do not understand this push to seek out another country to bomb next. Media and various politicians and pundits seem to delight in predicting from week to week which country should be next on our bombing list. Is military action now the foreign policy of first resort for the United States? When it comes to other countries and warring disputes, the United States counsels dialogue without exception. We urge the Catholics and Protestants to talk to each other, we urge the Israelis and Palestinians to talk to each other. Even at the height of the Cold War, when the Soviet Union had missiles pointed at us from 90 miles away in Cuba, we solved the dispute through dialogue and diplomacy. Why is it, in this post Cold War era, that the United States seems to turn first to the military to solve its foreign policy problems? Is diplomacy dead?

In conclusion, Mr. Chairman, this legislation, even in its watered-down form, moves us closer to conflict with Iraq. This is not in our interest at this time. It also, ironically enough, could serve to further Osama bin Laden’s twisted plans for a clash of civilizations between Islam and the West. Invading Iraq, with the massive loss of life on both sides, would only forward bin Laden’s hateful plan. I think we need to look at our priorities here. We are still seeking those most responsible for the attacks on the United States. Now hardly seems the time to go out in search of new battles.

PREPARED STATEMENT OF THE HONORABLE DARRELL E. ISSA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

H.J. RES. 75

Thank you Mr. Chairman, for holding this mark-up, Ranking Member Lantos, and all the other Members of the Committee who participated in the drafting of this legislation. I commend the Chairman for bringing this resolution before the Committee in such a timely manner. I also want to thank the Chairman for including key language from H. Con. Res. 286, a similar bill that I authored concerning Iraq. Mr. Chairman, I appreciate your willingness to work with me on this.

Over the past ten years, Saddam Hussein has demonstrated that he always will be a threat to our national security as long as he remains in power. Saddam Hus-

sein has actively supported terrorist activity against the United States by training and equipping known terrorists. He plotted the assassination of former President George Bush during his visit to Kuwait in 1993. He has on several occasions since the 1991 ceasefire, threatened the United States and our allies. Most importantly, he has no intention of cooperating with us in the weapons inspection program that is mandated by international law. He has repeatedly violated UN Security Council Resolution 687 by systematically denying weapons inspectors access to key facilities, by expelling all American weapons inspectors, and finally breaking off all cooperation with the UN weapons inspectors altogether. Since weapons inspectors were last in Iraq more than three years ago, there has been plenty of reason to believe that Saddam Hussein is actively rebuilding his arsenal of weapons of mass destruction.

Mr. Chairman, Saddam Hussein's attempts to acquire weapons of mass destruction are all the more alarming considering Iraq's history of aggression and brutality. He has demonstrated that he has the willingness and ability to actually *use* weapons of mass destruction. On several occasions, Saddam Hussein has turned chemical weapons against his own people. On March 16, 1988, Saddam Hussein ordered a chemical attack on the Kurdish town of Halabja, killing over 5,000 Kurdish civilians. In February of the same year, the Iraqi government killed between 50,000 and 180,000 Kurdish civilians in a "forced relocation" program. These events have shown the world that Saddam Hussein will pursue a policy of mass murder against any group that he perceives is a political threat.

Mr. Chairman, it is clear that Iraq is in desperate need of a new regime. We should not stand by passively, watching Saddam Hussein murder thousands of his own people, threaten American citizens, plot the assassination of our Presidents, and generally make a mockery of the 1991 ceasefire agreement. Saddam Hussein needs to know that this is his last chance: either cooperate with the ceasefire agreement and allow United States weapons inspectors complete and unrestricted access to his WMD facilities, or face the consequences. And if Saddam Hussein does not relent, we should not stop until he is gone and Iraq is on its way toward establishing a legitimate, democratically elected government. We will not have peace in this region, Mr. Chairman, until the people of Iraq and all surrounding countries are governed by the rule of law and able to participate in a true democracy.

Mr. Chairman I am very pleased that I was able to play a role in the drafting of this bill and I enthusiastically call on all my colleagues to give this resolution their full support. I yield back the balance of my time.

